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10/603,714	06/25/2003	Laurence Ray McColloch	10020919-1	3452

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AGILENT TECHNOLOGIES, INC.
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Loveland, CO 80537-0599

EXAMINER

PRASAD, CHANDRIKA

ART UNIT PAPER NUMBER

2839

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Please find below and/or attached an Office communication concerning this application or proceeding.



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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FEB 28 2005

GROUP 2800

Application Number: 10/603,714
Filing Date: June 25, 2003
Appellant(s): MCCOLLOCH ET AL.

Douglas L. Weller
For Appellant

MAILED

FEB 28 2005

GROUP 2800

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/06/2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

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(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-20 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

2002/0159725

Bucklen

10-2002

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

(10a) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(10b) Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bucklen (2002/0159725).

Bucklen (Figures 1-3) shows an apparatus and method for constructing a communication cable 20 with electrical conductors and optical fibers with integrated electrical connectors at each end which are used for plug-in connections to matching electrical connectors on target devices for transmitting digital and/or analog data wherein the matching electrical connector may be compatible to a proprietary system interconnection and the data transmission is compatible with optical fiber channel protocol. The data transmission protocol through the cable is through transmission of optical signals wherein the data transmission between the connectors include electrical signal, which uses a protocol different than that of optical signal transmission through the cable.

(11) Response to Argument

(11a) 35 U.S.C. §112, First Paragraph

The 35 U.S.C. §112, First Paragraph rejection is withdrawn.

(11b) 35 U.S.C. § 102(b) rejection

Applicant's arguments filed 12/06/04 have been fully considered but they are not persuasive. The applicant argues that Bucklen shows no change in protocol between electrical signals and optical signals. The examiner disagrees. The applicant

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has not provided any specific description and/or definition for the protocol except that (i) an **optical fiber channel**, Ethernet or **another optical protocol** is used for data transmission through the optical cable and (ii) the electrical connector is compatible with a **connector standard** such as USB, Ethernet or **another connector standard** (bold letters used for emphasis). McGraw-Hill Dictionary of Scientific and Technical terms – Fifth Edition, Copyright 1994 defines protocol as a set of hardware and software interfaces in a terminal or a computer, which allows it to transmit over a communication network (see copy attached). Bucklen (Figures 1- 3) clearly shows a hardware for data transmission through the cable which is different that a hardware used for the electrical connectors. The applicant agrees that Bucklin shows the hardware (see Appeal Brief, Page 7, 4th Paragraph, lines 1-2). The applicant further agrees that Bucklen shows the hardware for converting electrical signals into optical signals and vice versa (see Appeal Brief, Page 8, lines 1-6).

The applicant further argues that there is no one-to-one correspondence between every electrical signal and every optical signal. Such a limitation is neither supported by the claim language nor described in the specification.

(11c) After filing the Appeal Brief, the applicant has submitted an Information Disclosure Statement (IDS) on 01/18/05, which lists several references as X reference for at least claims 1 and 8. The references have been placed in the file, but have not been examined.

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For the above reasons, it is believed that the
rejections should be sustained.

Respectfully submitted,



Chandrika Prasad
Examiner
Art Unit 2839

Chandrika Prasad
February 23, 2005

Attachment: Page 1595 from MC Graw-Hill Dictionary

Conferees:

Brian Sircus, Supervisory Patent Examiner, Art Unit 2836

Tulsidas Patel, Supervisory Patent Examiner, Art Unit 2839

Chandrika Prasad, Primary Examiner, Art Unit 2839



T. COATE



McGraw-Hill Dictionary of Scientific and Technical Terms

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Fifth Edition

Sybil P. Parker

Editor in Chief

McGraw-Hill, Inc.

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On the cover: Photomicrograph of crystals of vitamin B₁.
(Dennis Kunkel, University of Hawaii)

Included in this Dictionary are definitions which have been published previously in the following works: P. B. Jordain, *Condensed Computer Encyclopedia*, Copyright © 1969 by McGraw-Hill, Inc. All rights reserved. J. Markus, *Electronics and Nucleonics Dictionary*, 4th ed., Copyright © 1960, 1966, 1978 by McGraw-Hill, Inc. All rights reserved. J. Quick, *Artists' and Illustrators' Encyclopedia*, Copyright © 1969 by McGraw-Hill, Inc. All rights reserved. *Blakiston's Gould Medical Dictionary*, 3d ed., Copyright © 1956, 1972 by McGraw-Hill, Inc. All rights reserved. T. Baumeister and L. S. Marks, eds., *Standard Handbook for Mechanical Engineers*, 7th ed., Copyright © 1958, 1967 by McGraw-Hill, Inc. All rights reserved.

In addition, material has been drawn from the following references: R. E. Huschke, *Glossary of Meteorology*, American Meteorological Society, 1959; *U.S. Air Force Glossary of Standardized Terms*, AF Manual 11-1, vol. 1, 1972; *Communications-Electronics Terminology*, AF Manual 11-1, vol. 3, 1970; W. H. Allen, ed., *Dictionary of Technical Terms for Aerospace Use*, 1st ed., National Aeronautics and Space Administration, 1965; J. M. Gilliland, *Solar-Terrestrial Physics: A Glossary of Terms and Abbreviations*, Royal Aircraft Establishment Technical Report 67158, 1967; *Glossary of Air Traffic Control Terms*, Federal Aviation Agency; *A Glossary of Range Terminology*, White Sands Missile Range, New Mexico, National Bureau of Standards, AD 467-424; *A DOD Glossary of Mapping, Charting and Geodetic Terms*, 1st ed., Department of Defense, 1967; P. W. Thrush, comp. and ed., *A Dictionary of Mining, Mineral, and Related Terms*, Bureau of Mines, 1968; *Nuclear Terms: A Glossary*, 2d ed., Atomic Energy Commission; F. Casey, ed., *Compilation of Terms in Information Sciences Technology*, Federal Council for Science and Technology, 1970; *Glossary of Stinfo Terminology*, Office of Aerospace Research, U.S. Air Force, 1963; *Naval Dictionary of Electronic, Technical, and Imperative Terms*, Bureau of Naval Personnel, 1962; *ADP Glossary*, Department of the Navy, NAVSO P-3097.

McGRAW-HILL DICTIONARY OF SCIENTIFIC AND TECHNICAL TERMS, Fifth Edition

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of memory when access to it is blocked by the cry-

LEO The stem of the general following a substance. A substance that surrounds a workpiece and is usually sprayed on. A color pattern on the animal's protective device.

PROTHORAX [INV ZOO] The first thoracic segment of an insect; bears the first pair of legs. { 'prō-thōr,aks }

PROTHROMBIN [BIOCHEM] An inactive plasma protein precursor of thrombin. Also known as factor II; thrombinogen. { 'prō-thrām-bən }

PROTHROMBIN FACTOR See vitamin K. { 'prō-thrām-bən,fak-tər }

PROTHROMBIN TIME [PATH] A one-stage clotting test based on the time required for clotting to occur after the addition of tissue thromboplastin and calcium to decalcified plasma. { 'prō-thrām-bən,tīm }

PROTICITY [BIOCHEM] In oxidative phosphorylation, the flowing of protons in the proton circuit from high to low protic potential. { 'prō-tis-əd-ē }

PROTISTA [BIOL] A proposed kingdom to include all unicellular organisms lacking a definite cellular arrangement, such as bacteria, algae, diatoms, and fungi. { 'prō-tis-tə }

PROTIUM [NUC PHYS] The lightest hydrogen isotope, having a mass number of 1 and consisting of a single proton and electron. Also known as light hydrogen. { 'prōd-ē-əm }

PROTOARICLINAE [INV ZOO] A subfamily of polychaete annelids in the family Orbiniidae. { 'prōd-ō,ar-ə'sī-ə,nē }

PROBITUMEN [MATER] Any of the fats, oils, waxes, or resins which are present as unaltered or nearly unaltered plant and animal products from which fossil bitumens are formed. { 'prōd-ō-bə'tū-mən }

PROTOBRANCHIA [INV ZOO] A small and primitive order in the class Bivalvia; the hinge is taxodont in all but one family, there is a central ligament pit, and the anterior and posterior adductor muscles are nearly equal in size. { 'prōd-ō'branj-kē-ə }

PROTOCRATIDAE [PALEON] An extinct family of pecoran ruminants in the superfamily Traguloidea. { 'prōd-ō-sə'rad-ə,dē }

PROTOCHORDATA [INV ZOO] The equivalent name for Hemichordata. { 'prōd-ō-kōr'dad-ə }

PROTOCLASTIC [PETR] Of igneous rocks, characterized by granulation and deformation of the earlier-formed minerals due to differential flow of the magma before solidification. { 'prōd-ō'klas-tik }

PROTOCOCCACEAE [BOT] A monogeneric family of green algae in the suborder Ulotrichineae in which reproduction is entirely vegetative. { 'prōd-ō-kāk'sās-ē,ē }

PROTOCOCCIDA [INV ZOO] A small order of the protozoan subclass Coccidia; all are invertebrate parasites, and only sexual reproduction is known. { 'prōd-ō-kāk'sad-ə }

PROTOCOL [COMPUT SCI] 1. A set of hardware and software interfaces in a terminal or computer which allows it to transmit over a communications network, and which collectively forms a communications language. 2. See communication protocol. [SCI TECH] A procedure that must be used when performing specified measurements or related operations in order for results to be acceptable to the specifying agency. { 'prōd-ə,kōl }

PROTOCOL-LEVEL TIMER [COMMUN] A time-measuring unit within a communicating device that issues high-priority interrupts which synchronize and set deadlines for protocol-related activities. { 'prōd-ə,kōl,lev-əl'tīm-ər }

PROTOCUCULIDAE [INV ZOO] A small family of coleopteran insects in the superfamily Cucujoidea found in Chile and Australia. { 'prōd-ō-kə'kū-yə,dē }

PROTODERM See dermatogen. { 'prōd-ə,dərm }

PROTODOLOMITE [MINERAL] A crystalline calcium-magnesium carbonate with a disordered lattice in which the metallic ions occur in the same crystallographic layers instead of in alternate layers as in the dolomite mineral. { 'prōd-ō'dō-lə,mīt }

PROTODONATA [PALEON] An extinct order of huge dragonfly-like insects found in Permian rocks. { 'prōd-ō-dō'nad-ə }

PROTODRILLIDAE [INV ZOO] A family of annelids belonging to the Archiannelida. { 'prōd-ō'drīl-ə,dē }

PROTOENSTATITE [MINERAL] An artificial, unstable, altered form of $MgSiO_3$ produced by thermal decomposition of talc; convertible to enstatite by grinding or heating to a high temperature. { 'prōd-ō'en-stə,tīt }

PROTOEUMALACOSTRACA [PALEON] The stem group of the crustacean series Eumalacostraca. { 'prōd-ō,yū-mələ'kās-trə-kə }

PROTOGALAXY [ASTRON] The theoretical precursor of the Galaxy; suggested by James Jeans to be an initial structureless gas cloud, held together by its own gravitation, that broke up into a number of fragments. { 'prōd-ō'gal-ik-sē }

PROTOGENIC [CHEM] Strongly acidic. { 'prōd-ə'jen-ik }

PROTOGYN [PHYSIO] A condition in hermaphroditic or dioec-

such as animal glue, casein, and soya. { 'prōt-ən,ās }

BIOCHEM A type of protease which acts directly in the first step of their conversion to simpler products. { 'prōt-ən,ās }

IODINE [BIOCHEM] Iodine bound to blood protein. { 'prō,tēn,baund 'ī-ə,dīn }

IODINE TEST [PATH] A test of thyroid function based on the level of circulating thyroid hormone by determining the level of protein-bound iodine in the blood. Abnormal test. { 'prō,tēn,baund 'ī-ə,dīn,tēst }

See capsid. { 'prō,tēn,kōt }

Engineering [MOL BIO] The design and construction of enzymes or enzymes with novel or desired functions by using recombinant deoxyribonucleic acid sequences by using recombinant deoxyribonucleic acid technology. { 'prō,tēn,en-jə'nirɪŋ }

[BIOCHEM] An enzyme that exerts regulatory growth and malignant transformation by phosphorylation. { 'prō,tēn 'kī,nās }

See hand sugar refractometer. { 'prōt-ən'am-ē-tər }

[MED] The presence of protein in the urine. { 'prōt-ən,ās }

PROTHORAX [INV ZOO] A family of tapeworms in the subclass Cephaloidea in which the reproductive organs are in the central mesenchyme of the segment. { 'prōd-ē-ō'aks }

PROTHROMBIN [INV ZOO] An order of tapeworms of the subclass Cephaloidea in which the holdfast organ bears four suckers. { 'prōd-ē-ō'aks }

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